

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Rogers et al.

**Application No.** 10/533,477

**Filed:** April 29, 2005

**Confirmation No.** 4053

**FILED VIA EFS ON  
DECEMBER 6, 2006**

**For:** MULTIPLE COMPONENT FOOD PRODUCT USEFUL  
FOR DELIVERING GLUCOSAMINE AND/OR N-  
ACETYL-D-GLUCOSAMINE

**Examiner:** Shengjun Wang

**Art Unit:** 1617

**Attorney Reference No.** 6682-66959-02

**REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT**

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

An error appears in the official Filing Receipt issued for the above-identified patent application, as follows:

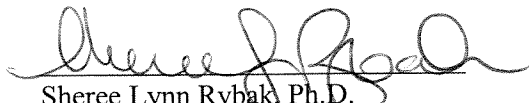
The Domestic Priority data as claimed by application should be amended as follows:

This application is a 371 of PCT/US03/34668 filed 10/31/2003,  
which claims benefit of 60/423,119 filed 11/01/2002,  
and is a CIP of 10/685,125 filed 10/13/2003,  
which is a CIP of 10/326,549 filed 12/19/2002, PAT 7,049,433,  
which is a continuation of 09/785,695 filed 02/16/2001 (abandoned),  
which claims benefit of PCT/US02/04468 filed 02/15/2002.

Attached is a copy of the official Filing Receipt (Exhibit A) with the requested correction shown thereon. Also attached are copies of the Preliminary Amendment (Exhibit B) and the Combined Declaration and Power of Attorney (Exhibit C) that were submitted to the Patent Office on April 29, 2005, both of which have the correct priority data listed.

Please correct the identified error and issue a corrected official Filing Receipt.

Please call the undersigned if any further information is required.

  
Sheree Lynn Rybak, Ph.D.  
Registration No. 47,913

December 6, 2006  
Date

cc: Docketing

CG 02/0396 US02  
2005/04/33



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/533,477	04/29/2005	✓1617	1400	6682-66959-02		20	5

CONFIRMATION NO. 4053

46395  
CARGILL, INCORPORATED  
LAW DEPARTMENT  
P. O. BOX 5624  
MINNEAPOLIS, MN 55440-5624

## FILING RECEIPT



\*OC000000019717994\*

Date Mailed: 07/24/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Brent Daniel Rogers, Ottumwa, IA;  
Lawrence E. Fosdick, Oskaloosa, IA;  
John A. Bohlmann, Ottumwa, IA;  
Paula A. DeGrandis, Plymouth, MN;

**Power of Attorney:** The patent practitioners associated with Customer Number **46395**.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/34668 10/31/2003  
which claims benefit of 60/423,119 11/01/2002  
and is a CIP of 10/326,549 12/19/2002 PAT 7,049,433  
and is a CIP of 10/685,125 10/13/2003

which is a continuation of 09/785,695 filed 02/16/2001  
(abandoned),  
which claims benefit of PCT/US02/04468 filed 02/15/2002.

## Foreign Applications

If Required, Foreign Filing License Granted: 07/21/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/533,477**

Projected Publication Date: 11/02/2006

Non-Publication Request: No

Early Publication Request: No



**Title**

Multiple component food product useful for delivering glucosamine and/or n-acetyl-d-glucosamine

**Preliminary Class**

424

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Brent Daniel Rogers, Lawrence E. Fosdick,  
and John A. Bohlmann

**Application No.** Currently unknown

**Filed:** Herewith

**Confirmation No.** Currently unknown

**For:** MULTIPLE COMPONENT FOOD PRODUCT USEFUL  
FOR DELIVERING GLUCOSAMINE AND/OR N-  
ACETYL-D-GLUCOSAMINE

**Examiner:** Not yet assigned

**Art Unit:** Not yet assigned

**Attorney Reference No.** 6682-66959-02

MAIL STOP PCT  
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ALEXANDRIA, VA 22313-1450

**PRELIMINARY AMENDMENT**

Prior to examination of the above-identified patent application, please amend the application as follows to comply with national stage requirements.


**Amendments to the Specification** begin on page 2.

**Remarks** begin on page 3.

An **Abstract** is attached as a separate page at the end of this document.

**Amendments to the Specification**

Please replace the paragraph beginning at page 1, line 4, with the following rewritten paragraph:



This is the U.S. National Stage of International Application No. PCT/US2003/034668, filed October 31, 2003 (published in English under PCT Article 21(2)), which in turn ~~This application~~ claims the benefit of U.S. Provisional Application No. 60/423,119, filed November 1, 2002, and is a continuation-in-part of U.S. Patent Application No. 10/685,125 filed October 13, 2003, which is a continuation-in-part of copending U.S. Patent Application No. 10/326,549 filed December 19, 2002, which is a continuation of U.S. Patent Application No. 09/785,695 filed February 16, 2001, and which claims priority from PCT Application No. PCT/US02/04468 filed February 15, 2002, each of which is incorporated herein by reference.

Please the paragraph beginning at page 1, line 27, with the following rewritten paragraph:  
It has previously been noted that GLCN is not stable at high temperatures, see U.S. Patent 6,423,929 6,432,929. Therefore, in an attempt to avoid degradation of the cartilage health supplements U.S. Patent 6,423,929 6,432,929 teaches that beverages that include GLCN are prepared using a process that requires two separate heating steps, to minimize chemical alteration of GLCN. The juice drink base is prepared using pasteurization at about 195°F for 42 seconds. A separate GLCN water-based solution is prepared at a temperature of below 160°F. These two solutions are mixed to form the GLCN-supplemented beverage. U.S. Patent 6,423,929 6,432,929 also teaches incorporating cartilage health supplements into snack bars that are not heat-treated.

Please insert the Abstract, submitted herewith on a separate page, as page 27 at the end of the application.

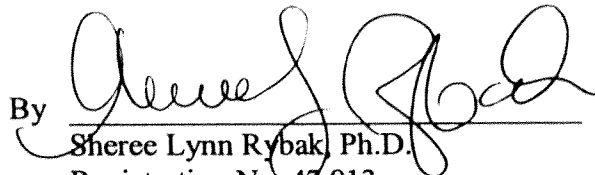
**Remarks**

By this amendment the specification has been updated to reflect prior related applications, to correct typographical errors, and to insert the abstract on a separate page.

No new matter has been added by this amendment.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
Sheree Lynn Rybak, Ph.D.  
Registration No. 47,913

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# **COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **MULTIPLE COMPONENT FOOD PRODUCT USEFUL FOR DELIVERING GLUCOSAMINE AND/OR N-ACETYL-D-GLUCOSAMINE**, the specification of which

- ☐ is attached hereto.
- ☐ was filed on \_\_\_\_\_ as United States Patent Application No. \_\_\_\_\_.
- ☒ was described and claimed in PCT International Application No. PCT/US03/34668, filed on October 31, 2003, and as amended under PCT Articles 19 on \_\_\_\_\_ (if applicable).
- ☐ and was amended on \_\_\_\_\_ (if applicable).
- ☐ with amendments through \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses claims and subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the applications(s) on which priority is claimed:

Number	Country	Day/Month/Year Filed	Claim Priority?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Filing Date
60/423,119	November 1, 2002



I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT international application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Filing Date	Status: patented, pending, abandoned
10/685,125	13 October 2003	Pending
10/326,549	19 December 2002	Pending
09/785,695	16 February 2001	Abandoned
PCT/US02/04468	15 February 2002	Completed



I hereby appoint the practitioners associated with the customer number provided below to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

### Customer Number 46395

I hereby grant the law firm of Klarquist Sparkman, LLP, the power to insert on this Combined Declaration and Power of Attorney any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for submitting this document.

Address all telephone calls to Paula A. DeGrandis at telephone number (952) 742-5402.

Address all correspondence to the address associated with **Customer Number 46395**, which address is:

Cargill, Incorporated  
15407 McGinty Road West  
Wayzata, Minnesota 55391  
U.S.A.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Name of First or Sole Inventor:** Brent Daniel Rogers

**Residence:** Ottumwa, Iowa

**Mailing Address:** Cargill Acidulants, R&D  
One Cargill Drive  
Eddyville, IA 52553

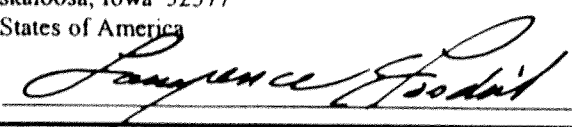
**Citizenship:** United States of America


**Inventor's Signature**

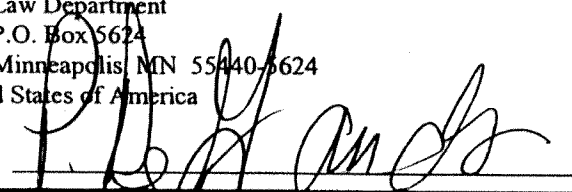
*Brent Daniel Rogers*

**Date**

*4/26/05*

<b>Name of Second Inventor:</b>	Lawrence E. Fosdick
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<b>Mailing Address:</b>	609 21st Avenue West Oskaloosa, Iowa 52577
<b>Citizenship:</b>	United States of America
<b>Inventor's Signature</b>	 Date <u>4/26/05</u>

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<b>Residence:</b>	Ottumwa, Iowa
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<b>Inventor's Signature</b>	 Date <u>26 April 05</u>

<b>Name of Fourth Inventor:</b>	Paula A. DeGrandis
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<b>Mailing Address:</b>	Cargill, Incorporated Law Department P.O. Box 5624 Minneapolis, MN 55440-5624
<b>Citizenship:</b>	United States of America
<b>Inventor's Signature</b>	 Date <u>4/25/05</u>